

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

AMONDO ARCE AND BERNARD	§	
WILLIAMS	§	
on behalf of themselves	§	
and a class of those similarly situated,	§	
	§	CIVIL ACTION NO. 1:17-cv-900-SS
Plaintiffs,	§	
	§	
v.	§	FLSA COLLECTIVE ACTION
	§	
EMERALD LAWNS, LLC	§	
	§	
	§	
Defendant.	§	DEMAND FOR JURY TRIAL

JOINT MOTION FOR SETTLEMENT APPROVAL

Plaintiffs and Opt-in Plaintiffs (collectively “Plaintiffs”), and Defendant, Emerald Lawns, LLC, (collectively referred to as “the Parties”) respectfully move this Court for an Order approving the Confidential Settlement Agreement between the Parties and dismissing Plaintiffs’ claims against Defendant, Emerald Lawns, LLC, in their entirety and with prejudice. A copy of the Confidential Settlement Agreement, including exhibits thereto, have been filed under seal.

To approve the Agreement, the Court is required to scrutinize the Agreement for reasonableness and fairness. Plaintiffs and Defendants submit that the Agreement is, in all respects, a fair and reasonable resolution of *bona fide* disputes between Plaintiff and Defendants under the FLSA. The Parties believe that the terms and conditions of this settlement are fair, reasonable, adequate, beneficial, and in the best interests of all parties. This proposed Agreement was reached following the exchange of information, data, and extensive negotiations. Because of the various defenses asserted by Defendants and the possibility that Defendants may have

successfully defeated or limited some or all of Plaintiff's claims, including those claims related to willfulness and liquidated damages, the parties believe that the Agreement represents a fair compromise of the claims. Moreover, given the strong likelihood that absent a settlement, this case will proceed to trial, a compromise of the claims prevents all parties from incurring the additional costs and delay associated with trial and appeal.

The Parties agree that it is impractical to have each individual Plaintiff sign the Agreement. All individual Plaintiffs have authorized Bernard Williams and Armando Arce to make decisions on their behalf concerning this litigation, including entering into settlement agreements. Therefore, the Parties agree that Williams' and Arce's execution of the Agreement shall have the same force and effect as if each individual Plaintiff class member executed the Agreement individually.

Therefore, the Parties aver that they have agreed upon a fair and equitable resolution of this case pursuant to the terms of the Confidential Settlement Agreement, and the Parties request that the Court enter the proposed Order approving the Confidential Settlement Agreement and dismissing Plaintiffs' claims against Defendant, Emerald Lawns, LLC, in their entirety and with prejudice upon joint motion of the parties within 15 days of Defendant making all payments required under the Settlement Agreement.

Respectfully submitted,

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/s/ Kell A. Simon

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

By my signature hereunder affixed, I certify that a true and correct copy of the foregoing document has been transmitted to all parties of record **via the Court's CM/ECF system**, on this 27th day of January, 2020, addressed as follows:

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/s/ Kell A. Simon

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